

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *gfg* D.C.
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WILLIE E. OLIVER,

Plaintiff,

vs.

SHELBY COUNTY, et al.,

Defendants.

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X

No. 05-2748-D/An

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS
AND
ORDER DIRECTING PLAINTIFF TO PAY THE \$250 CIVIL FILING FEE

Plaintiff Willie E. Oliver filed a pro se complaint pursuant to 42 U.S.C. § 1983 on October 6, 2005, along with a motion seeking leave to proceed in forma pauperis.

Federal law provides that the "clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of" \$250. 28 U.S.C. § 1914(a).¹ To ensure access to the courts, however, 28 U.S.C. § 1915(a) permits an indigent plaintiff to avoid payment of filing fees by filing an in forma pauperis affidavit. Under that section, the Court must conduct a satisfactory inquiry into the plaintiff's ability to pay the filing fee and prosecute the lawsuit. A plaintiff seeking in forma pauperis standing must respond fully to

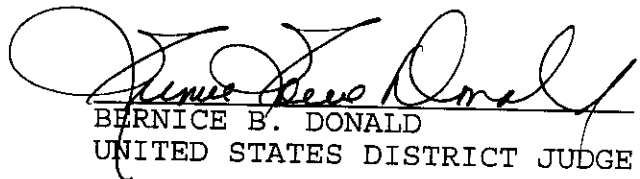
¹ Effective March 7, 2005, the civil filing fee was increased to \$250.

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the questions on the Court's in forma pauperis form and execute the affidavit in compliance with the certification requirements contained in 28 U.S.C. § 1746. See, e.g., Reynolds v. Federal Bur. of Prisons, 30 Fed. Appx. 574 (6th Cir. Mar. 11, 2002); Broque v. Fort Knox Fed. Credit Union, No. 86-1896, 1997 WL 242043 (6th Cir. May 8, 1997).

The plaintiff's motion to proceed in forma pauperis does not establish that he is indigent and unable to pay the filing fee or to give security therefor. To the contrary, the combined incomes of the plaintiff and his wife are more than sufficient to meet their monthly obligations, and the in forma pauperis affidavit does not reveal any extraordinary expenses. Accordingly, the motion to proceed in forma pauperis is DENIED. The plaintiff is ORDERED, within thirty (30) days of the date of entry of this order, to pay the \$250 civil filing fee. Failure to timely comply with this order will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 16 day of November, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 3 in case 2:05-CV-02748 was distributed by fax, mail, or direct printing on November 18, 2005 to the parties listed.

Willie E. Oliver
3127 Wickham Drive
Memphis, TN 38118

Honorable Bernice Donald
US DISTRICT COURT